

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF WISCONSIN

In re: **Robert Lee Harris and Misty Harris,**

Chapter 13

Debtor(s).

Case No. 17-25038-SVK

NOTICE AND REQUEST TO AMEND UNCONFIRMED CHAPTER 13 PLAN

Robert and Misty Harris have filed papers with the court requesting an amendment of the unconfirmed Chapter 13 Plan in the above case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to modify the plan as proposed, or if you want the court to consider your views on the request, then on or before 21 days after service of this notice, you or your attorney must:

File with the court a written request for a hearing which shall contain a short and plain statement of the factual and legal basis for the objection. File your written request at:

Clerk of Bankruptcy Court
517 E. Wisconsin Avenue, Room 126
Milwaukee, WI 53202-4581

If you mail your request to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above.

You must also mail a copy to:

Attorney Paul Strouse
d/b/a Strouse Law Offices
413 N. 2nd Street, Suite 150
Milwaukee, WI 53203

If you or your attorney do not take these steps, the court may decide that you do not oppose the

Address

413 N. 2nd Street., Suite 150
Milwaukee, WI 53203
Telephone: (414) 390-0820
Fax: (414) 220-5115
strouselawoffices@gmail.com

request and may enter an order modifying the Plan

REQUEST TO AMEND UNCONFIRMED CHAPTER 13 PLAN

1. This request to amend an unconfirmed Chapter 13 Plan **SUPERSEDES ALL PRIOR REQUESTS TO AMEND THE PLAN AND INCLUDES ALL PROPOSED AMENDMENTS. TERMS NOT FULLY STATED HERE OR IN THE ORIGINAL PLAN ARE NOT PART OF THE PLAN.**
2. Service. A certificate of service must be filed with the amendment. Designate one of the following:
 - A. A copy of this proposed amendment has been served on the trustee, United States trustee and all creditors, or
 - B. X A motion requesting limited service is being filed simultaneously with the Court.
3. The Chapter 13 Plan filed with the Court is amended as follows:
 - A. The debtors are amending their plan in order to change their Chapter 13 plan payment to \$950.00 monthly, by direct payments to the Chapter 13 Trustee, for the remaining applicable period.
 - B. With regard to the debtors' real estate located at 3038 North 30th Street, Milwaukee, Wisconsin 53210 ("30th Street"), because the value of the property, which is \$19,000.00 (See attached Exhibit #A – Appraisal for 30th Street property), exceeds the amount owed to the City of Milwaukee for delinquent real estate taxes and associated fees, which is \$18,854.44, the debtor will pay this amount at 12% simple interest for a total final payment amount of \$25,140.00.

With regard to the Mortgage Lien belonging to Custom Servicing, LLC and/or FCI Lender Services, Inc. secured on the 30th Street property, since the value of the property, which is \$19,000.00, exceeds the amount owed on the secured claim belonging to the City of Milwaukee, as and for delinquent taxes and associated fees, by \$145.56, the debtors will bring an adversary action to cramdown the Mortgage Lien pursuant to Section 11 U.S.C. § 506, 1322(b)(2) and 1325(a)(5)(B)(ii) to the secured portion of \$145.56. The debtors will pay the secured portion of the City's claim in full over the life of the plan at the rate of 5.00% simple interest, for a final payout of \$165.00.

C. With regard to the debtors' real estate located at 2872 North 21st Street, Milwaukee, Wisconsin 53206 ("21st Street), since the value of the property, which is \$19,550.00 (As agreed between the Debtor and the City of Milwaukee), is far less than the amount owed in delinquent real estate taxes, which is \$27,569.72, the Debtor's plan seeks to eliminate, under Sections 11 U.S.C. 506(a), 1322 (b)(2) and 1325(a)(5)(B)(ii), the portion of the City's lien above \$19,550.00 upon completion of the plan and discharge of the debtors. The debtors will pay the secured portion of the City's claim in full over the life of the plan at the rate of 5.00% simple interest, over the life of the plan, for a final payout of \$22,140.00.

With regard to the Mortgage Lien belonging to EMC Mortgage LLC. secured on the 21st Street property, since the value of the property, which is \$18,500.00, is less than the amount owed on the City of Milwaukee, as and for delinquent taxes and associated fees, which is \$27,569.72, the debtors will bring an adversary action to strip-off this mortgage lien pursuant to Section 11 U.S.C. § 506, 1322(b)(2) and 1325(a)(5)(B)(ii).

D. With regard to the claim belonging to the Wisconsin Department of Revenue, the debtors are amending their plan in order to pay the secured portion of the creditor's claim in the amount of \$4,639.22 at 0.00% simple interest for a final payout of \$4,639.22. The debtors are further amending their plan to pay the priority portion of the creditor's claim in the amount of \$1,577.20.

All remaining terms of the original Chapter 13 Plan are unaffected. In the event of a conflict between the terms of the original Plan and the terms of this amendment, the terms of this amendment control.

WHEREFORE, each Debtor requests that the Court approve this proposed amendment to the original Chapter 13 Plan.

CERTIFICATION

The Debtor's attorney must sign this certification. A Debtor represented by an attorney may sign this certification. If the Debtor does not have an attorney, the Debtor must sign this certification.

The provisions in this Chapter 13 plan are identical to those contained in the official local form other than the changes listed in part 3.

I certify under penalty of perjury that the foregoing is true and correct.

Respectfully submitted November 6, 2017.

/s/Robert Harris Misty Harris
Debtors

Strouse Law
Attorneys for Debtor

By: /s/Paul A. Strouse
Attorney Paul A. Strouse
Bar No. 1017891

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